

28.662

Leaving The Scene Of An Accident

The crime of leaving the scene of an accident resulting only in damage to a vehicle that is driven or attended by a person requires that the defendant:

1. Was driving a vehicle involved in an accident resulting in damage to a vehicle that is driven or attended by a person; and
2. Failed to stop at the scene or as close as possible and immediately return; and
3. Failed to remain at the scene until the driver had fulfilled the duties required by law of a driver involved in an accident resulting in damage to a vehicle driven or attended by a person.

SOURCE: A.R.S. §§ 28-662 & -663 (statutory language as of October 1, 1997).

USE NOTE: This instruction should be given with Instruction 28.663, Driver's Duty To Give Information And Assistance.

COMMENT: Term "accident" is broadly construed to include any vehicular incident resulting in injury or death, whether or not such harm was intended. *State v. Rodgers*, 184 Ariz. 378, 380, 909 P.2d 445, 447 (App. 1995) (holding that statute applied when passenger in defendant driver's vehicle jumped from moving car and was struck and killed by another car).

Leaving the scene is one crime, regardless of the number of persons injured. *State v. Powers*, 200 Ariz. 363, 26 P. 3d 1134 (2001).
